

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JORGE MIRANDA-RIVAS,

Case No. 3:16-cv-00663-MMD-VPC

Petitioner,

ORDER

v.

HAROLD WICKHAM, *et al.*,

Respondents.

Petitioner has paid the filing fee. He has also submitted a motion for appointment of counsel. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that the Clerk of the Court file the petition for a writ of habeas corpus and the motion for appointment of counsel.

It is further ordered that petitioner's motion for appointment of counsel is granted. The Federal Public Defender is provisionally appointed to represent petitioner.

It is further ordered that the Federal Public Defender will have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the Court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he will then have sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, then the Court will appoint alternate counsel.

It is further ordered that neither the foregoing deadline nor any extension thereof signifies or will signify any implied finding of a basis for tolling during the time period

1 established. Petitioner at all times remains responsible for calculating the running of the  
2 federal limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

3 It is further ordered that the Clerk add Adam Paul Laxalt, Attorney General for the  
4 State of Nevada, as counsel for respondents.

5 It is further ordered that the Clerk electronically serve both the Attorney General of  
6 the State of Nevada and the Federal Public Defender a copy of the petition and a copy of  
7 this order.

8 It is further ordered that respondents' counsel must enter a notice of appearance  
9 within twenty (20) days of entry of this order, but no further response will be required from  
10 respondents until further order of the Court.

11 It is further ordered that any exhibits filed by the parties must be filed with a  
12 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF  
13 attachments that are filed further must be identified by the number or numbers (or letter  
14 or letters) of the exhibits in the attachment. The hard copy of any additional state court  
15 record exhibits must be forwarded — for this case — to the staff attorneys in Las Vegas.  
16 The Court otherwise waives compliance with Local Rule LR IA 10-3(e) with regard to the  
17 exhibits.

18 DATED THIS 23<sup>rd</sup> day of December 2016.

19  
20   
21 \_\_\_\_\_  
22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
24  
25  
26  
27  
28